

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

No. 1:20-cv-01024-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTIONS FOR SANCTIONS,
DEFAULT JUDGMENT, AND INJUNCTIVE
RELIEF

(Docs. 110, 116, 121, 131, 132, 133, 134, 138,
142)

Plaintiff Mark A. Fregia is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Between July 24, 2023, and January 23, 2024, plaintiff filed numerous motions requesting sanctions, injunctive relief, and various other miscellaneous relief. Docs. 110, 116, 121, 131, 132, 133, 134, 138. These matters were referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge issued findings and recommendations on March 29, 2024, recommending that plaintiff's motions be denied. Doc. 142 at 6.¹ The findings and recommendations gave the parties an opportunity to file objections. *Id.* at 6-7. Plaintiff filed objections on May 8, 2024. Doc. 154. Defendants filed a reply to plaintiff's objections on May 21, 2024. Doc. 156.

¹ The magistrate judge also ruled on various other matters, including granting defendants' motion to strike filed on September 6, 2023 (Doc. 118).

1 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
2 this case. In his objections, plaintiff largely repeats the same allegations and arguments that the
3 magistrate judge correctly found were meritless and insufficient to grant plaintiff the relief he
4 seeks. Plaintiff does not meaningfully challenge the magistrate judge's findings or identify any
5 error in the reasoning of the findings and recommendations. Having carefully reviewed the
6 filings, including plaintiff's objections and defendants' response, the Court concludes the findings
7 and recommendations are supported by the record and proper analysis.

8 Additionally, the Court finds that plaintiff's numerous and repetitive motions lack legal
9 and factual basis and that such filings waste the Court's limited resources and delay the resolution
10 of this action. The Court reiterates the warning to plaintiff in the findings and recommendations
11 that the filing of any additional baseless or repetitive motions, needlessly multiplying the
12 proceedings, wasting judicial resources, or otherwise submitting filings in bad faith or for the
13 purpose of harassment, may subject plaintiff to sanctions notwithstanding his IFP status.

14 Accordingly, IT IS ORDERED that:

- 15 1. The findings and recommendations issued on March 29, 2024, Doc. 142, are ADOPTED
16 IN FULL;
- 17 2. Plaintiff's motions for sanctions, injunctive relief, and default judgment (Docs. 110, 116,
18 121, 131, 132, 133, 134, 138) are DENIED; and
- 19 3. This matter is referred back to the assigned magistrate judge for further proceedings.

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22 IT IS SO ORDERED.

23 Dated: March 26, 2025



UNITED STATES DISTRICT JUDGE